

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13802, of First Maryland Financial Services Corp., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the 900 square foot minimum lot area requirements (Sub-section 3301.1) to use the subject property as a thirty-nine unit apartment house in an R-4 District at the premises 933 N Streets, N. W., (Square 367, Lot 74).

HEARING DATE: August 11, 1982
DECISION DATE: September 1, 1982

FINDINGS OF FACT:

1. The subject property is located on the north side of N Street between 9th and 10th Streets, N. W. and is known as 933 N Street, N. W. It is in an R-4 District.

2. The subject property is rectangular in shape and consists of 5,880 square feet of land area. The site measures forty-nine feet wide by 120 feet deep. It abuts a twenty-foot wide alley at the rear or north direction.

3. The site is improved with a vacant five story plus basement brick building that was built in 1915, known as the Henrietta. The building appears to have originally been built as an apartment house. It occupies eighty-eight percent of the lot and has approximately 31,074 square feet of floor area.

4. The subject structure has a current certificate of occupancy, No. B-105928, dated August 4, 1978, for a rooming house containing eighty-eight rooms and two apartments. In past years it has been used as an apartment house, tenement house and rooming house with portions of the building used as a social religious employment center and an ice cream parlor.

5. The subject property is located in a narrow corridor of R-4 zoned property approximately one block wide running north and south. That corridor is surrounded on three sides by more intensive districts. One-half block to the east and west of the subject site are C-2-A Districts. One block south of the site is an SP-2 District. The site is located two blocks north of the Hotel-Residential Incentive District and is one block removed from the

area identified in the Mayor's Downtown Committee report for residential uses.

6. The applicant proposes to restore the building for use as a thirty-nine unit residential condominium, with four studio apartments and thirty-five one-bedroom units. The first floor will contain two studio units and five one-bedroom units, and the remaining four floors will contain seven one-bedroom units each. The studio units will average approximately 620 square feet in size, and the one-bedroom units will contain approximately 750 square feet.

7. The layout and configuration of the existing building present limited options for development. Existing load bearing walls will be maintained and reused. A seven foot wide corridor with twelve inch load bearing walls bisects each of the floors for almost the entire length of the building. While a sixty foot wide structure is standard for a double loaded corridor of this type, this building is only forty-nine feet wide at its widest point, and narrows in the middle to approximately forty feet. Therefore, there is a maximum of twenty feet of width on each side of the corridor. Further, there is one existing stairwell which must be replaced by two stairwells in order to meet the applicable Code requirements, and there are only certain areas of the structure where plumbing can conveniently be stacked. The existing fenestration will be maintained to the greatest extent possible, and no new windows are contemplated.

8. The applicant's real estate expert testified that the market for condominiums in this area is essentially a studio and one-bedroom market. The applicant will offer the proposed units for sale at approximately \$65 per square foot, and will handle all of its own financing for the project. This translates to an average sales price of \$48,100, which is far below comparable projects in the vicinity, and in the city as a whole.

9. While parking is neither required nor provided on-site, parking surveys conducted in the evening by the applicant demonstrate that parking availability is more than adequate to meet the needs of the building's future residents, as well as other residents of the area. In addition, the site is located conveniently to Metrobus routes on Ninth and M Streets and the proposed Mt. Vernon Square Metrorail station. The site is also within walking distance of the central business district.

10. Strict application of Sub-section 3301.1 of the Zoning Regulations would allow only six units as of right in the proposed structure, with an average size of approximately 4,650 square feet per unit. The most logical floor plan under such a requirement would be to have one

5,200 square foot unit per floor, and a 2,000 square foot unit in the basement. The applicant's architect testified that a unit occupying an entire floor of this building would be equivalent to a ten-bedroom apartment. The Board finds such a requirement to be unreasonable.

11. The subject structure in terms of floor area ratio and percentage of lot occupancy is more typical of a building located in an R-5-D, C-2-C or C-3-B Districts.

12. The prior use of the subject properly as a rooming house of eighty-eight rooms and two apartments, which could continue as of right, is far more dense than the proposed use of thirty-nine apartments.

13. The Office of Planning and Development, by report dated August 6, 1982, recommended approval of the application. The Office of Planning and Development was of the opinion that there are practical difficulties created by exceptional conditions related to this property which would make the strict compliance with the provisions of Sub-section 3301.1 unduly restrictive and unreasonable upon the owner. There are several factors related to the physical characteristics of the Henrietta Apartment House which lend support for the requested variance. To limit the use of this large five-story structure to six units as would be permitted in accordance with the 900 square foot provision would result in a peculiar and exceptional practical difficulty and undue hardship upon the owner of this property in his attempt to use it in a viable manner. Specifically, the size of this structure and its past apartment usage which predates the Zoning Regulations, its excessive lot occupancy, gross floor area, and height all contribute to a situation which supports the reasonableness of using these premises as multiple dwelling. The OPD believed that the sizes of the living units proposed are good by today's standards, and that their location in regards to public transportation and the central business district may increase their sales desirability, helping also to stimulate the residential neighborhood character in this block by opening up a previously boarded building. The Board concurs in the OPD recommendation.

14. Advisory Neighborhood Commission 2C, by letter dated August 9, 1982, reported that the ANC does not oppose the application. The ANC reported that it had not been advised of any opposition to the proposed use.

15. There was no opposition to the application at the Public Hearing or of record.

16. The Board, at the close of the Public Hearing, requested that the applicant submit evidence of the security

measures to be initiated for the site in the absence of no parking on the site and a further explanation of the statement on the market feasibility report (page 4) "Estimated income in 1977 was \$9400 or less. The income changed by 100 percent during the period of 1968 to 1977." (Ex. 21 of the record) The applicant's response is marked as Ex. 25 of the record.

17. As to the issue of security, the development of the building as proposed will have a positive influence on the neighborhood because it will remove a vacant, vandalized building from this area of the city. Development of condominium units will also add to the stability of the neighborhood because it will increase the incidence of home ownership, and decrease the transient nature of the area, as was the case under its former use as an eighty-eight unit rooming house.

18. The building itself will be fully secured from outside intrusions. There will be only one principal controlled means of ingress. The rear fire door will be attached to an alarm system for emergency exit only. The front door will have a double locking door system. As shown on the first floor plan of the proposed project, there will be an exterior entry door to the building from N Street, and an interior entry door inside the foyer. Both will remain locked at all times. Only the residents will have keys to both doors. The mailman will have a key to the outside door in order to gain access to the mailboxes located just inside that door. Visitors to the building will use a telephone located on the outside of the front door to call to the individual apartments. Residents will then be able to unlock both front doors for their guests by pushing a button in their apartments.

19. The entrance way and the courts on both sides of the building will be illuminated at night. There is an alley light located to the rear of the building which illuminates that area. Units in the basement and on the first floor will have bars on the windows. Balconies on the lower level will be secured so that intruders will not be able to gain entry to the building. Once the project is completed, the condominium association, as owners and residents of the building, will be better able to assess whether further security measures are in fact needed, and will be able to provide for those needs as required.

20. As to the market feasibility report, Mr. Robert Corletta, the applicant's marketing expert, reported that estimated income in the area in which the Henrietta is located was \$9,400 or less in 1977, and increased by 100 percent during the period 1968 - 1977. This information is reflected in Mr. Corietta's report at page 28 of the Statement of the Applicant. The information was taken from

the June 1979 report of the D. C. Department of Housing and Community Development entitled Housing Problems, Conditions and Trends in the District of Columbia. The text explains that the reason for the high percentage of increase is due to a change in the population base, rather than a rise in resident income. Although his recommendation was that the units sell for approximately \$70,000 based upon the hard and soft costs of development, the proposed units in the Henrietta will actually be offered for sale for an average that is under \$50,000.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance the granting of which requires the showing of a practical difficulty inherent in the property itself. The Board concludes that there are practical difficulties unique to the subject property. The subject structure was built prior to the adoption of the present Zoning Regulations. It occupies approximately eighty-eight percent of the lot. The width of the lot is exceptionally narrow for the size building which occupies it. Design options are limited by the present layout and configuration of the building. While standard apartment house design for a double loaded corridor building is sixty feet, the subject structure is only forty-nine feet at its widest point. One stairwell exists in the structure. It must be replaced by two stairwells to meet present Code requirements. Only certain areas of the structure are convenient for plumbing.

The strict application of Sub-section 3301.1 requiring a minimum lot area of 900 square feet per dwelling unit for conversion to apartments in the R-4 District would result in six excessively large apartment units containing over 5,000 square feet. The Board concludes that the strict application of Sub-section 3301.1 would be an unreasonable and an impracticable burden on the applicant.

The Board further concludes that the relief requested can be granted without causing substantial detriment to the public good. The creation of thirty-nine apartment units rather than the six excessively large units as of right will not adversely effect adjoining or nearby property and is less intense than the ninety units permitted under its present certificate of occupancy. The size and configuration of the proposed units will allow them to be sold at a moderate price, thereby increasing the stock of affordable housing in the downtown area. The subject site is in close proximity to public transportation including Metrobus and rail. Ample on-street parking is available on surrounding streets.

The Board is further of the opinion that the relief can be granted without substantially impairing the intent, purpose and integrity of the Zone Plan. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Lindsley Williams, and Charles R. Norris to grant; Douglas J. Patton and William F. McIntosh to grant by proxy; Connie Fortune not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: DEC - 8 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

13802order/Betty2